

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
JOINT APPROPRIATIONS SUBCOMMITTEE  
Room 220, Senate Building, Utah State Capitol Complex  
February 12, 2009**

**Members Present:** Sen. Jon J. Greiner, Co-Chair  
Rep. Eric K. Hutchings, Co-Chair  
Sen. Scott D. McCoy  
Rep. Douglas C. Aagard  
Rep. Richard A. Greenwood  
Rep. Steven R. Mascaro  
Rep. Curtis Oda  
Rep. Jennifer M. Seelig  
Rep. Larry B. Wiley

**Members Absent:** Pres. Michael G. Waddoups

**Staff Present:** Gary Ricks, Fiscal Analyst  
Gary Syphus, Fiscal Analyst  
Carrie Griffith, Committee Secretary

**Note:** A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Hutchings called the meeting to order at 2:26 p.m.

Gary Ricks, Fiscal Analyst, and Gary Syphus, Fiscal Analyst distributed a "Starting Point Add-back Priority List" and also a thick handout with several sections, which showed the Subcommittee and those in attendance at the meeting the information that will be used in making motions.

Rep. Hutchings informed all those in attendance that this would be the last scheduled meeting for the Subcommittee. He invited department and agency heads to address the Subcommittee about any concerns or last-minute requests they have before final voting takes place for FY 2010.

Dan Becker, State Court Administrator, and Myron March, Deputy Court Administrator, detailed how the Bountiful Courthouse will remain open because of Bountiful City's willingness to work out a lease agreement. The following motion was made after the discussion:

**MOTION:** Rep. Aagard moved to approve the following FY 2010 Base Budgets including ongoing components in HB3 as provided under Tab 1 for the Courts, with the following exceptions: On the Leases and Contracts Line Item, from General Fund, add \$425,600 to Lease and Contract General Fund totaling \$17,942,500; from General Fund One-time, subtract \$425,600. On the Administration Line

Item, from General Fund, subtract \$425,600 to Administration General Fund totaling \$79,937,900; from General Fund One-time, add \$425,600. The motion passed unanimously.

Tom Patterson, Executive Director Department of Corrections, addressed the Subcommittee, stating there were two main points he wanted to clarify; (1) line #13 on the add-back priority list "Diagnostic" would require a statutory change; and (2) line #15 "Jail Reimbursement Reduction" would have no impact on the Department of Corrections. His recommendation would be to place both of these items at the bottom of the list.

Mr. Patterson responded to questions raised by Subcommittee members regarding jail contracting vs. jail reimbursement. He also answered questions about the clinical services shortfall, stating they are required to provide medical services and need a supplemental for this service or they operate in the red.

MOTION: Rep. Aagard moved to approve the FY 2009 One-time Supplemental requests as found under Tab 2, **Attorney General**, David C. Final Payment \$46,100; St. George Airport Due Diligence \$90,900; **State Treasurer**, St. George Airport Bond Expenses, \$61,700; **Judicial Branch (Courts)**, Justice Court Technology Account \$100,000 (General Fund Restricted); and **Department of Corrections**, Clinical Services Shortfall \$1,000,000. The motion passed unanimously with Rep. Oda absent for the vote.

MOTION: Sen. McCoy moved to recommend the FY 2010 Building Blocks and Restricted Funds Adjustment increases found under Tab 3, page 2, **Judicial Branch (Courts)**, Alternative Dispute Resolution Account \$100,000 Ongoing; On-Line Court Assistance Account \$100,000 One-time and On-Line Court Assistance Account \$76,000 Ongoing. The motion passed unanimously with Rep. Oda absent for the vote.

MOTION: Sen. McCoy moved to allow access to FY 2010 Building Block and Restricted Fund Adjustment increases found under Tab 3, page 2, **Judicial Branch (Courts)**, Court Security Account up to \$2,800,000 Ongoing, contingent upon the passage of H.B. 455. The motion passed unanimously with Rep. Oda absent for the vote.

Joe Brown, Administrative Services Director Department of Public Safety (DPS), addressed the Subcommittee and asked them to strike off the #1 priority, Customer Service Improvement Initiative, \$755,500, and asked that it remain in the Restricted Fund account for Driver License to be used at a future date.

Ron Morris, State Fire Marshal, explained the need for monies to train volunteer firefighters in rural Utah. He also described the fire safe cigarettes program.

MOTION: Rep. Greenwood moved to recommend the Department of Public Safety Budget Request WorkSheet Ongoing Budget Increases Restricted Funds Adjustments found under Tab 3, page 3, **Driver License**, Statewide call center \$688,000 and **Fire Marshal** Rural training and on call expenses \$200,000; Increase of training contract with Utah Valley \$25,000, and Fire safe cigarette costs to run program \$75,000. The motion passed unanimously with Rep. Oda absent for the vote.

MOTION: Rep. Hutchings moved to recommend the Department of Public Safety Budget Request WorkSheet One-time Supplemental Budget Increases Restricted Funds Adjustments found under Tab 3, page 3, **Fire Marshal** Fire safe cigarette costs to run program \$75,000 and **UHP/Crime Lab Grant** special training and equipment \$15,500. The motion passed unanimously with Rep. Oda absent for the vote.

Sandy Naegle, Fiscal Manager, answered questions relating to suggested fee increases within the Governor's Office.

MOTION: Rep. Wiley moved to approve the Governor Schedule of Fees with Increases schedule as shown under Tab 4, page 1. The motion passed unanimously with Rep. Oda absent for the vote.

Lance Davenport, Commissioner Department of Public Safety, answered questions about transportation escorts and the reasons they are needed. A discussion ensued regarding transportation escorts.

MOTION: Referring to the Department of Public Safety Fees, Tab 4, page 2, **Utah Highway Patrol** Construction/Transportation Escort, Rep. Greenwood moved to increase the fee from \$50 per hour and \$0.40 per mile to \$100 per hour and the mileage according to the IRS standard mileage rate. The motion passed with Sen. Greiner and Rep. Hutchings voting in opposition. Rep. Mascaro and Rep. Wiley were absent for the vote.

Joe Brown, Administrative Services Director DPS, assisted by Alice Erickson, Bureau Chief BCI, discussed Dedicated Credit Increases, specifically regarding the BCI concealed firearms fee. Ms. Erickson stated an increase to \$1,100,000 would be sufficient for the year.

MOTION: Rep. Oda moved to increase for FY 2010, the appropriated amount as found under Tab 7, page 2, **BCI** Concealed Firearms Fee, from \$788,400 to \$1,100,000.

The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

MOTION: Sen. McCoy moved to approve for FY 2010, a Dedicated Credit Increase as found under Tab 7, page 2, **UHP** Business Support/Escorts for \$3,000,000. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

MOTION: Sen. McCoy moved to recommend the Dedicated Credit Increases, as amended, as found under Tab 7, page 2. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

MOTION: Sen. McCoy moved to recommend the Dedicated Credits as found under Tab 7, page 1, **Governor** Lt. Governor \$191,700 and **State Treasurer** Treasurer \$50,000. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

MOTION: Rep. Mascaro moved that the Co-chairs communicate to the Executive Appropriations Committee the Subcommittee's request that revenue resulting from the proposed increase in civil filing fees, as a result of the passage of S.B. 184, be credited against the Courts reduction to the Courts main line item in FY 2009 and the Courts ongoing budget beginning in FY 2010. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

MOTION: Rep. Mascaro moved that the Co-chairs communicate to the Executive Appropriations Committee the Subcommittee's request that contingent upon the passage of H.B. 455, \$2,800,000 of General Fund from the Contracts and Leases Line Item be transferred to the Administration Line Item. The motion passed unanimously with Rep. Greenwood absent for the vote.

Gary Ricks, Fiscal Analyst, informed everyone that the document titled "Appropriation Neutral Adjustments" was inadvertently added under Tab 8 but should go under Tab 9. The only papers under Tab 8 should be the nonlapsing requests.

MOTION: Rep. Mascaro moved to recommend nonlapsing intent language for FY 2009 for the Agency Programs under Tab 8 and direct the Fiscal Analyst to prepare the appropriate language. The motion passed unanimously with Rep. Greenwood absent for the vote.

MOTION: Rep. Mascaro moved to approve the Appropriation Neutral Adjustments to the Governor's Office as shown under Tab 9. The motion passed unanimously with

Rep. Greenwood absent for the vote.

Rep. Hutchings recommended making two lists: a "Must Fund" list and a "Building Block" list.

The following motion was made from the "Add-back Priority" sheet distributed by the Analysts.

MOTION: Sen. McCoy moved to place #9 **Juvenile Justice Services** Youth Offender Transitional Services, to the #42 position of the Building Block list.

SUBSTITUTE

MOTION: Rep. Mascaro moved to recommend the Building Block List as found under Tab 3 of the Agencies FY 2010 requests in the order they appear on the sheet. The motion passed unanimously with Rep. Greenwood and Rep. Seelig absent for the vote.

MOTION: Rep. Aagard moved to add the following four items to the Must Fund List as found under Tab 3, page 1: **Governor** Voting System Software License \$235,000 Ongoing; **Attorney General** "Pelt" Forensic Accountant \$400,000 One-time; **Department of Corrections** Clinical Services Bureau \$1,500,000 Ongoing, and Four Transportation Officers \$296,400 Ongoing.

SUBSTITUTE

MOTION: Rep. Wiley moved to add the following five items to the Must Fund List as found under Tab 3, page 1: **Governor** Voting System Software License \$235,000 Ongoing; **Attorney General** "Pelt" Forensic Accountant \$400,000 One-time; **Department of Corrections** Clinical Services Bureau \$1,500,000 Ongoing, Four Transportation Officers \$296,400 Ongoing; and **Governor** Voting System Hardware Maintenance \$346,000 Ongoing. The motion passed unanimously with Rep. Greenwood and Rep. Seelig absent for the vote.

MOTION: Sen. McCoy moved to approve the following FY 2010 Base Budgets including ongoing components in H.B. 3 as found under Tab 1: Governor's Office, Commission on Criminal and Juvenile Justice (CCJJ), State Auditor, State Treasurer, Department of Public Safety, DNA Specimen Account, Attorney General, Division of Juvenile Justice Services (DJJS), Judicial Branch (Courts), Board of Pardons and Parole, and Utah Department of Corrections. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

Derek Byrne, Budget Manager Courts, answered questions raised by Subcommittee members

relating to the following motion.

MOTION: Sen. McCoy moved that the following adjustments for the Courts FY 2009 and FY 2010 Base Budgets be adopted. These adjustments are: In the FY2009 Revised, Increase General Fund Restricted Courts Security Account \$400,000, Decrease General Fund Restricted Justice Court Tech \$400,000; and in the FY 2010 Base Budget, Decrease General Fund Restricted Justice Court Tech (\$300,000) to \$999,300 and Decrease General Fund Restricted Non-Judicial Assessment (\$500,000) to \$945,300. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

The remaining motions were made from the "Add-back Priority" sheet.

MOTION: Sen. McCoy moved to place #20, Attorney General Personnel Staff Reduction, to the #10 position and renumber accordingly. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

MOTION: Sen. Greiner moved to place #18, Courts Main Line Item Reduction, to the #11 position (immediately below the new Attorney General addition) and renumber accordingly. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

MOTION: Sen. Greiner moved to place #12, Public Safety, UHP, Sworn Personnel Reduction, to the new #12 position (immediately following the two new additions mentioned above). The motion passed with Rep. Seelig voting in opposition. Rep. Aagard and Rep. Greenwood were absent for the vote.

MOTION: Rep. Oda moved to place #31, Public Safety, BCI Personnel Reduction, to the #24 position, immediately following State Treasurer Personnel Staff Reduction. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

MOTION: Sen. McCoy moved to place #15, Corrections Jail Reimbursement Reduction, to the #35 position, immediately above Corrections , Close Institutional Parole Office – 14 FTEs. The motion failed with Sen. Greiner voting in opposition. Rep. Aagard and Rep. Greenwood were absent for the vote.

Rep. Hutchings relinquished the chair to Sen. Greiner.

MOTION: Rep. Hutchings moved to place #11 Corrections DORA Reduction, to the new #24 position. The motion failed with Rep. Hutchings, Rep. Mascaro, Rep. Oda

and Rep. Wiley voting in the affirmative. Rep. Aagard and Rep. Greenwood were absent for the vote.

Rep. Hutchings resumed the chair.

MOTION: Rep. Wiley moved to approve the Building Block List as modified.

SUBSTITUTE

MOTION: Sen. McCoy moved to place #17 Courts, Bountiful Courthouse Closure, to the #42 position. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

MOTION: Rep. Wiley moved to approve the list as modified. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

Discussion ensued regarding what to do if add-back funds came back to the Subcommittee and how they would distribute those monies.

MOTION: Rep. Wiley moved to spread funds evenly across the departments and agencies.

SUBSTITUTE

MOTION: Sen. Greiner moved that whatever motion was made for the FY 2009 priority list would also be made for the FY 2010 priority list. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

***(The motion made during the January 21, 2009 meeting was as follows: Rep. Hutchings moved that the Add-back Priority List, as recommended by the Analysts, be accepted as prioritized.)***

MOTION: Sen. Greiner moved to adjourn. The motion passed unanimously with Rep. Aagard and Rep. Greenwood absent for the vote.

Rep. Hutchings adjourned the meeting at 5:38 p.m.

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Sen. Jon J. Greiner, Co-Chair

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Rep. Eric K. Hutchings, Co-Chair

